

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
ASHEVILLE DIVISION
CIVIL CASE NO. 1:21-cv-00110-MR-WCM**

DONNA GARRETT,

Plaintiff,

vs.

DR. DON TOMAS et al.,

Defendant.

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ORDER

THIS MATTER is before the Court on the Defendants' Motion to Dismiss [Doc. 3] and the Magistrate Judge's Memorandum and Recommendation [Doc. 12] regarding the disposition of that motion.

Pursuant to 28 U.S.C. § 636(b) and the standing Orders of Designation of this Court, the Honorable W. Carleton Metcalf, United States Magistrate Judge, was designated to consider the Defendants' Motion to Dismiss.

On October 14, 2021, the Magistrate Judge filed a Memorandum and Recommendation, recommending that the Defendants' Motion to Dismiss [Doc. 3] be granted and that the Plaintiff's claims be dismissed. [Doc. 12 at 21]. The parties were advised that any objections to the Magistrate Judge's Memorandum and Recommendation were to be filed in writing within fourteen (14) days of service. The period within which to file objections has

now expired, and no written objections to the Memorandum and Recommendation have been filed.

After careful review of the Magistrate Judge's Memorandum and Recommendation, the Court finds that the proposed conclusions of law are consistent with current case law. Accordingly, the Court hereby accepts the Magistrate Judge's recommendations.

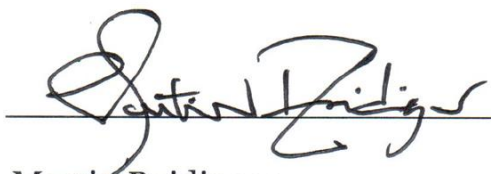
IT IS, THEREFORE, ORDERED that:

(1) The Memorandum and Recommendation [Doc. 12] is **ACCEPTED**;

IT IS FURTHER ORDERED that the Defendants' Motion to Dismiss [Doc. 3] is **GRANTED** and the Plaintiff's claims are **DISMISSED WITH PREJUDICE**.

IT IS SO ORDERED.

Signed: November 2, 2021



Martin Reidinger
Chief United States District Judge

